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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,910	11/03/2003	Christopher J. Cormack	ITL1706US (P17675)	7764
21906 7590 01/26/2009 TROP, PRUNER & HU, P.C. 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631				
EXAMINER				
TRAN, QUOC A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTOPHER J. CORMACK and TONY MOY

Application 10/700,910
Technology Center 2100

Mailed: January 26, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal*.

BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 10, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

APPEAL BRIEF
GROUND S OF REJECTION TO BE REVIEWED ON APPEAL

An examination of the application reveals that an Appeal Brief was filed on July 23, 2007. The section entitled “Grounds of rejection to be

reviewed on appeal” appearing on pages 2-4 is deficient because it is not “a concise statement of each ground of rejection presented for review” as noted by 37 CFR § 41.37 (2007). In addition, according to § 1205.02 of the *Manual of Patent Examining Procedure* (MPEP), Eighth Edition, Rev. 5, August 2006, “[t]he statement cannot include any argument concerning the merits of the ground of rejection presented for review. Arguments should be included in the “Argument” section of the brief.” Correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner:

- 1) to hold the Appeal Brief filed July 23, 2007 defective, as required by 37 CFR § 41.37(d);
 - 2) to notify appellants to submit a paper¹ which corrects the section entitled “Grounds of rejection to be reviewed on appeal”;
 - 3) to acknowledge and consider the paper or revised Appeal Brief;
- and
- 4) for such further action as may be appropriate.

PSB

Trop Pruner & Hu, PC
1616 S. Voss Road, Suite 750
Houston, TX 77057-2631

¹ If any additional sections of the Appeal Brief are modified, a revised Appeal Brief will need to be submitted in lieu of a paper.